

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LORENZO PERRY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 4:04CV1712 RWS
	)	
JAMES PURKETT,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**

Petitioner Lorenzo Perry seeks a writ of habeas corpus. He alleges three grounds for habeas relief. I referred this matter to United States Magistrate Judge Frederick R. Buckles for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On October 12, 2007, Judge Buckles filed his recommendation that Perry's habeas petition should be denied.

Perry timely filed an objection to the report and recommendation. After careful consideration, I will adopt and sustain the thorough reasoning of Judge Buckles' report and recommendation and will deny Perry's habeas petition.

Perry was convicted and sentenced for a robbery of a restaurant. In his habeas petition Perry claims that his trial counsel was ineffective for failing to object to the testimony of a detective and statements made by the prosecutor which referred to another person involved in the robbery.

I have conducted a de novo review of the facts, legal argument, and case law concerning Perry's claims of ineffective assistance of counsel. I find that Judge Buckles correctly analyzed these issues and reached the proper conclusion that habeas relief is not warranted.

In addition, I have considered whether to issue a certificate of appealability. To grant a

certificate of appealability, I must find a substantial showing of the denial of a federal constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings. *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882-83 (8th Cir. 1994)).

I believe that Perry has not made such a showing on the grounds raised in his petition. Therefore, I will not issue a certificate of appealability.

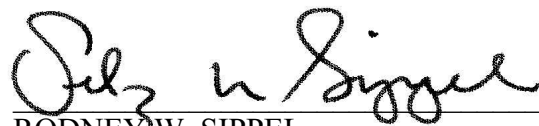
Accordingly,

**IT IS HEREBY ORDERED** that Judge Buckles' report and recommendation filed on October 12, 2007 is adopted and sustained in its entirety.

**IT IS FURTHER ORDERED** that Petitioner Lorenzo Perry's Petition for Writ of Habeas Corpus is **DENIED**.

**IT IS FURTHER ORDERED** that the Court will not issue a certificate of appealability.

A separate judgment in accordance with this Memorandum and Order is entered this same date.

  
\_\_\_\_\_  
RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 19th day of December, 2007.